

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

CLIFFORD BROWN  
PATRICIA ANNE BROWN

Debtors

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CASE NO. 03-11444

DECISION AND ORDER

At Fort Wayne, Indiana, on April 17, 2006

The notice of motion and opportunity to object which debtors (hereinafter "Movant") served in connection with their motion to approve an agreed post-confirmation modification does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not adequately "state the relief sought" by the motion. N.D. Ind. L.B.R. B-2002-2(c)(3).
- b. The notice does not "contain a brief summary of the ground for the motion to approve an agreed immaterial modification or have a copy of the motion attached to it." N.D. Ind. L.B.R. B-2002-2(c)(4). Although the notice states that a copy of the agreed immaterial modification is attached to it, there is no attachment to the notice filed with the court.
- c. There is no certificate of service accompanying the notice indicating to whom it may have been sent. N.D. Ind. L.B.R. B-2002-2; N.D. Ind. L.B.R. B-9013-4.
- d. The notice is not accompanied by a copy of the court's order authorizing notice to creditors and establishing deadlines for filing objections. N.D. Ind. L.B.R. B-2002-2(e).

Since creditors and parties in interest have not been given appropriate notice of the motion to approve an agreed immaterial modification and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14)

days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court